

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JOHN DOE, )  
                )  
Plaintiff,    )  
                )  
vs.            )  
                )  
ELWOOD PUBLIC SCHOOL DISTRICT,    )  
a Nebraska political subdivision, and   )  
DAVID BLESSING, individually and in his   )  
official capacity,    )  
                )  
Defendants.    )

7:04CV5011

ORDER

In the interests of judicial economy,

**IT IS ORDERED** that the Motion [247] of Dean Sitzmann to quash plaintiff's Rule 45 subpoena or, in the alternative, for leave to appeal the Magistrate's December 18, 2006 order [240] is granted, in part, as follows:

1. Mr. Sitzmann is given leave to appeal the December 18, 2006 Order [240]. The documents submitted in conjunction with [247] will suffice as a Statement of Appeal pursuant to NECivR 72.2.
2. The deposition of Dean Sitzmann is held in abeyance pending Judge Smith Camp's resolution of the substantive issues raised in Motion [247].
3. This order shall not be construed to prohibit the plaintiff from challenging Mr. Sitzmann's standing to file the motion or the timeliness of the motion.

**DATED February 5, 2007.**

**BY THE COURT:**

**s/ F.A. Gossett**  
**United States Magistrate Judge**